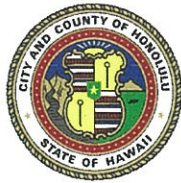


**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

ROY K. AMEMIYA, JR.  
MANAGING DIRECTOR  
  
GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

September 27, 2018

Mr. Glen Takahashi  
City Clerk  
Office of the City Clerk  
530 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Takahashi:

SUBJECT: Approved Bills

The following Bills are approved and returned herewith:

Bill 8, CD2	Relating to buses.
Bill 53, CD2	Relating to the Building Code.
Bill 40, CD1	Relating to the use of Kaneohe Bay Drive.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell  
Mayor

Attachments

18SEP27PM 3:11 CITY CLERK



## A BILL FOR AN ORDINANCE

RELATING TO BUSES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to set pollution control requirements for certain city buses.

SECTION 2. Chapter 13, Article 6, Revised Ordinances of Honolulu 1990 ("City Bus System"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"Sec. 13-6. Zero emissions buses.**

(a) As used in the section, unless the context otherwise requires:

"Bus stop" means any place where the director has directed the placement of a bus stop sign designating a location where the city's transit bus service stops to service passengers. Such sign may include route numbers and regulatory and other information.

"Multi-modal transit center" means any bus transit center along the route of the Honolulu High-Capacity Transit Corridor Project.

"Pollutant" mean hydrocarbons, carbon monoxide, nitrogen oxides, and lead.

"Zero emissions bus" means a bus that produces zero exhaust emissions of any pollutant and includes electric battery powered buses and hydrogen-fuel cell powered buses.

(b) The director shall consider using zero emissions buses to service routes with at least one bus stop at or within 100 yards of a Honolulu High-Capacity Transit Corridor Project rail station or a multi-modal transit center."

SECTION 3. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 8 (2018), CD2

**A BILL FOR AN ORDINANCE**

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Joey Manahan

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DATE OF INTRODUCTION:

February 21, 2018  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel **STEPHEN D. ATWELL**

APPROVED this 27<sup>th</sup> day of September, 20 18.

KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

ORDINANCE

BILL 8 (2018), CD2


Introduced: 02/21/18 By: JOEY MANAHAN Committee: TRANSPORTATION

Title: A BILL FOR AN ORDINANCE RELATING TO BUSES.

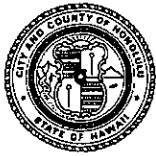
Voting Legend: \* = Aye w/Reservations

02/28/18	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
03/17/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
04/14/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
04/19/18	TRANSPORTATION	BILL POSTPONED IN COMMITTEE.
05/24/18	TRANSPORTATION	CR-209 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
05/26/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
06/06/18	COUNCIL/PUBLIC HEARING	CR-209 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON TRANSPORTATION. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
06/13/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
06/28/18	TRANSPORTATION	BILL DEFERRED IN COMMITTEE.
08/30/18	TRANSPORTATION	CR-299 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
09/12/18	COUNCIL	CR-299 ADOPTED AND BILL 8 (2018), CD2 PASSED THIRD READING AS AMENDED. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MARTIN, MENOR, PINE. 2 ABSENT: MANAHAN, OZAWA.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TAKAHASHI, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



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**A BILL FOR AN ORDINANCE**

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RELATING TO THE USE OF KANEOHE BAY DRIVE.

BE IT ORDAINED by the People of the City and County of Honolulu:

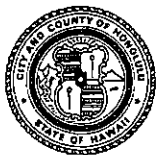
SECTION 1. Purpose. The purpose of this ordinance is to address the use of certain vehicles on Kaneohe Bay Drive.

SECTION 2. Section 15-21.11 Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 15-21.11 Restricting the use of Kaneohe Bay Drive.**

- (a) ~~[No person shall]~~ It is unlawful for any person to drive any truck in either direction over Kaneohe Bay Drive, between the intersection of Mokapu Saddle Road and Kaneohe Bay Drive and the junction of Kaneohe Bay Drive with Paku Place, when such truck with load weighs in excess of seven tons.
- (b) The provisions of this section ~~[shall]~~ do not apply to an authorized emergency vehicle, as defined ~~[hereinbefore,]~~ in this chapter, while the driver of ~~[such]~~ the vehicle is operating the same in an emergency in the necessary performance of ~~[such]~~ the driver's duties, nor to a city transit bus, as defined in this chapter, nor to a vehicle the owner or driver of which has obtained from the director of transportation services of the City and County of Honolulu a permit authorizing the operation of ~~[such]~~ the vehicle over the above described ~~[drive. Said]~~ segment of Kaneohe Bay Drive. The director of transportation services [shall] is authorized to issue such a permit ~~[only when it appears to said director's satisfaction that an emergency exists necessitating the issuance of such a permit.]~~ at the director's discretion."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 40 (2018), CD1

## A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ikaika Anderson

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DATE OF INTRODUCTION:

May 18, 2018

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Kathleen A. Kelly

Deputy Corporation Counsel **KATHLEEN A. KELLY**

APPROVED this 21<sup>th</sup> day of September, 20 18.

Kirk Caldwell  
KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

ORDINANCE

BILL 40 (2018), CD1

Introduced: 05/18/18 By: IKAIKA ANDERSON


Committee: TRANSPORTATION

Title: A BILL FOR AN ORDINANCE RELATING TO THE USE OF KANEOHE BAY DRIVE.

Voting Legend: \* = Aye w/Reservations

06/06/18	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
06/28/18	TRANSPORTATION	CR-241 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM
06/30/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/11/18	COUNCIL/PUBLIC HEARING	CR-241 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON TRANSPORTATION. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: KOBAYASHI.
07/20/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
08/30/18	TRANSPORTATION	CR-300 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
09/12/18	COUNCIL	CR-300 ADOPTED AND BILL 40 (2018), CD1 PASSED THIRD READING. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MARTIN, MENOR, PINE. 2 ABSENT: MANAHAN, OZAWA.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TAKAHASHI, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **53 (2018), CD2**

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**A BILL FOR AN ORDINANCE**

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RELATING TO THE BUILDING CODE.

BE IT ORDAINED by the People of the City and County of Honolulu:

**SECTION 1. Findings and Purpose.**

Council Findings. In Honolulu a contractor's license is required to obtain a building permit for residential structures, unless the applicant for the permit is an owner-builder. The owner-builder exemption provided under Hawaii Revised Statutes Section 444-2.5, allows owners to act as their own contractor when building or improving structures on their property, for their own use or the use of their immediate family. Under existing law, the owner-builder exemption does not apply when the structure that is being built or improved is offered for sale or lease within one year of completion, and the exemption cannot be used by an owner-builder more than once every two years.

Oftentimes, property owners are improperly advised to obtain an owner-builder permit exemption so that the owner can (illegally) hire or contract with unlicensed persons to perform the work on a building and evade the stricter scrutiny that applies to licensed contractors. In utilizing this exemption, however, an owner-builder is supposed to take on all of the responsibilities associated with action as a general contractor, including compliance with building codes, occupational safety and health regulations, wage standards, and taxes. Too often, however, property owners are either not fully aware of the risks and responsibilities they have assumed by becoming an owner-builder or intentionally ignore these risks and responsibilities unless and until they are caught.

The Council, by Resolution 17-198, adopted on September 6, 2017, urged the Department of Planning and Permitting ("DPP") to step up enforcement, consider modifying its administrative rules, and propose to the Council any legislation the DPP Director deemed necessary to address the problem of the illegal construction or use of large residential structures in residential zoning districts.

Despite the "moratorium" on the issuance of new building permits for certain large detached dwellings in residential zoning districts instituted by Ordinance 18-6, effective March 13, 2018, communities throughout the City continue to report development of large residential structures that appear to be being constructed in blatant disregard of applicable health and safety regulations and building codes. Utilization of the owner-builder exemption appears to be common among many of these complaints. Thus, stricter scrutiny by the DPP of applications and ongoing projects that claim an owner-builder exemption, is warranted.





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **53 (2018), CD2**

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**A BILL FOR AN ORDINANCE**

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While the Hawaii State Legislature has attempted to address exploitation of the owner-builder exemption under State law, the problem persists. Most recently, pursuant to Act 176, Session Laws of Hawaii 2013, the Legislature limited the exemption to residential and farm development by repealing the exemption's applicability to commercial and industrial development. It appears, however, that since Act 176's enactment, exploitation and abuse of the owner-builder exemption for residential construction has even increased.

Examples of specific health and safety concerns reported in ongoing residential development involving purported owner-builders, include: inexperienced, unlicensed, or underage "volunteers" (not family members of the owner-builder) working on the construction site; grading equipment being delivered and grading work being conducted during non-business hours, by inexperienced operators and without proper safety protocols being followed; failure to erect dust screen barriers between the construction site and neighboring properties; failure to follow standard lead paint and asbestos abatement precautions; failure to follow standard safety protocols for work on roofs, such as the use of harnesses and tie-downs, or for construction work generally, such as wearing appropriate footwear and hard hats; and lengthy, unannounced obstructions to roadways as a result of construction activity, preventing neighbors access to their properties. These reported examples occur in plain sight and clearly flaunt the DPP's failure to take corrective or enforcement action, under the purported guise of the owner-builder exemption.

**Purpose.** The purpose of this ordinance is to strengthen enforcement provisions for buildings and structures erected, constructed, enlarged, altered, repaired, moved, improved, removed, or converted without the necessary permits.

SECTION 2. Section 16-10.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 16-10.1      Generally.**

- (a)** It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.



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**A BILL FOR AN ORDINANCE**

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- (b) It is unlawful for any person without the necessary State licenses to erect, construct, enlarge, alter, move, improve, remove, convert, or demolish any building or structure; provided that an owner-builder may do so for residential or farm buildings or structures in strict compliance with the provisions of HRS Chapter 444 applicable to owner-builders, including but not limited to HRS Section 444-2.5 and 444-9.1.
- (c) The department shall provide owner-builders with instructions on their obligations to follow all employment, occupational safety, environmental and tax regulations in addition to their obligations under HRS Chapter 444 and this building code, and may impose reasonable conditions in addition to those already provided for by law, relating to hours of work, noise, dust, runoff, parking of workers, operation of heavy equipment, safety of workers and subcontractors, and requirements for demolition and remediation of structures containing lead based paint, asbestos or other potentially hazardous materials. Failure by an owner-builder to comply with reasonable conditions imposed, shall be deemed a violation of this code and subject to criminal and administrative enforcement to the same extent as any other violation of this code."

SECTION 3. Section 16-10.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 16-10.4        Administrative enforcement.**

In lieu of or in addition to enforcement pursuant to Section 16-10.3, if the building official determines that any person, firm or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by certified mail or delivery, with an order pursuant to this section.

- (a) Contents of the Order.
- (1) The order may require the party responsible for the violation to do any ~~for~~ all of the following:
- (A) Correct the violation within the time specified in the order;
- (B) [Pay] Except where paragraph (C) applies, pay a civil fine not to exceed:
- (i) \$2,000.00 in the manner, at the place, and before the date specified in the order; and



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A BILL FOR AN ORDINANCE

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(ii) \$2,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order;

~~[(C) Pay a civil fine not to exceed \$2,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.]~~

(C) Where a building or structure, or portion thereof, is erected, constructed, enlarged, altered, improved, or converted without the necessary permit; and a notice of violation contains an instruction that the party responsible for the violation suspend work on the building or structure, or portion thereof, and work on the building or structure, or portion thereof, has nevertheless continued:

(i) Pay a civil fine equal to 10 times the building permit fee amount that would have been incurred pursuant to Section 18-6.2 if the building permit had been properly obtained, or \$10,000, whichever is greater, in the manner, at the place, and before the date specified in the order;

(ii) Pay a civil fine equal to 10 times the building permit fee amount that would have been incurred pursuant to Section 18-6.2 if the building permit had been properly obtained, or \$10,000, whichever is greater, per day for each day in which the violation persists, in the manner and at the time and place specified in the order; or

(iii) Demolish the building or structure, or portion thereof;

The civil fines issued pursuant to this paragraph cannot be reduced nor can any portion thereof be waived by the building official.

(2) The order ~~[shall]~~ must advise the party responsible for the violation that the order ~~[shall]~~ will become final 30 calendar days after the date of its delivery. The order ~~[shall]~~ must also advise that the building official's action may be appealed to the building board of appeals.



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**A BILL FOR AN ORDINANCE**

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- (b) Service of Notice of Order. A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS Section 1-28.5.
- (c) Effect of Order—Right to Appeal. The provisions of the order issued by the building official under this section ~~[shall]~~ will become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in ~~[Chapter 16]~~ this chapter. The appeal must be received in writing on or before the date the order becomes final. ~~[However, an]~~ An appeal to the building board of appeals ~~[shall]~~ does not stay any provisions of the order~~[-]~~ requiring correction of the violation and payment of civil fines. An order or provision of an order to demolish a building or structure, or portion thereof, pursuant to subsection (a)(1)(C)(iii) will be stayed until the conclusion of the appeal, including any judicial review thereof pursuant to HRS Chapter 91.
- (d) Judicial Enforcement of Order. The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.
- (e) Report. The building official shall, upon issuance of a notice of order pursuant to subsection (a)(1)(C), submit a report to the State department of commerce and consumer affairs. The report must at a minimum contain the following information:
- (1) Date of the order;
  - (2) Name, address, and license number of any contractor, as that term is defined in HRS Section 444-1, or the name and address of any owner-builder, who has supervised or performed any work on the building or structure, or portion thereof, contrary to an instruction under subsection (a)(1)(C) by the building official to the responsible party to suspend work; and
  - (3) Nature and description of the violation, and the penalty imposed."



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **53 (2018), CD2**

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**A BILL FOR AN ORDINANCE**

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SECTION 4. Ordinance material to be deleted is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the bracketed and stricken material, or the underscoring.

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Kymberly Pine

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DATE OF INTRODUCTION:

July 5, 2018  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

  
Deputy Corporation Counsel **DUANE W.H. PANG**

APPROVED this 27<sup>th</sup> day of September, 20 18.

  
KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE

BILL 53 (2018), CD2

Introduced: 07/05/18 By: KYMBERLY PINE

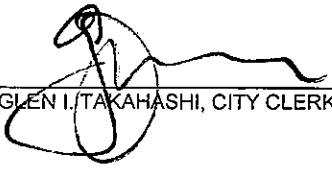
Committee: ZONING AND HOUSING

Title: A BILL FOR AN ORDINANCE RELATING TO THE BUILDING CODE.

Voting Legend: \* = Aye w/Reservations

07/11/18	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: KOBAYASHI.
07/19/18	SPECIAL ZONING AND HOUSING	CR-247 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
08/04/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
08/15/18	COUNCIL/PUBLIC HEARING	CR-247 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
08/22/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
08/30/18	ZONING AND HOUSING	CR-295 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
09/12/18	COUNCIL	CR-295 ADOPTED AND BILL 53 (2018), CD2 PASSED THIRD READING AS AMENDED. 5 AYES: FUKUNAGA, KOBAYASHI, MARTIN, MENOR, PINE. 1 NO: ELEFANTE. 3 ABSENT: ANDERSON, MANAHAN, OZAWA.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this Bill.

  
GLEN I. TAKAHASHI, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER